

ances of the water system; that it would alleviate the ills of humanity; and that it would be efficacious in the relief of many ailments, were false and misleading since it would not be efficacious for such purposes. (3) In that it was fabricated from two or more ingredients and its label failed to bear a statement of the common or usual name of each ingredient. (4) In that the label failed to bear an accurate statement of the quantity of contents in terms of measure.

On March 10, 1942, the defendant entered a plea of guilty and the court imposed a fine of \$25.

**663. Misbranding of Barkolyn. U. S. v. 9½ Dozen Packages of Barkolyn. Decree of condemnation and destruction.** (F. D. C. No. 6586. Sample No. 54362-E.)

This product consisted essentially of extracts of plant drugs including laxatives, and strychnine; and the labeling failed to bear adequate directions for use, adequate warnings for the protection of users, and a statement of the quantity or proportion of strychnine that it contained.

On December 24, 1941, the United States attorney for the Middle District of Pennsylvania filed a libel against 9½ dozen packages of Barkolyn at Lock Haven, Pa., alleging that the article had been shipped in interstate commerce on or about May 30, 1941, by Standard Medicines Co. from Columbus, Ohio; and charging that it was misbranded.

It was alleged to be misbranded: (1) In that the labeling failed to bear adequate directions for use since it was a laxative and the directions appearing on the labeling, which provided for continuous use, were inadequate since, if followed, they might lead to dependence on a laxative; and the directions for use by children were inadequate since they were indefinite. (2) In that the labeling failed to bear adequate warnings against use in those pathological conditions or by children where its use might be dangerous to health, or against unsafe dosage or duration of administration, in such manner and form, as are necessary for the protection of users, since it failed to contain a warning that use of a preparation containing strychnine by children and elderly persons might be especially dangerous and since it also failed to contain a warning that a laxative should not be taken when suffering from nausea, vomiting, abdominal pains, or other symptoms of appendicitis, and that frequent or continued use might result in dependence on laxatives. (3) In that it contained strychnine and its label failed to bear a statement of the quantity or proportion of strychnine that it contained.

On January 31, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**664. Misbranding of Bosak's Horke Vino. U. S. v. 4½ Dozen Bottles of Bosak's Horke Vino. Default decree of condemnation and destruction.** (F. D. C. No. 6395. Sample No. 74943-E.)

The labeling of this product failed to bear adequate directions for use and failed to bear a statement revealing the name and quantity of strychnine present in the article and also bore false and misleading therapeutic claims.

On December 17, 1941, the United States attorney for the Southern District of New York filed a libel against 4½ dozen bottles of Bosak's Horke Vino at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about September 4 and December 3, 1941, by Gold Seal Manufacturing Company from Scranton, Pa.; and charging that it was misbranded.

Analysis of a sample of the article showed that it consisted essentially of small proportions of aloin and strychnine, alcohol, and water.

The article was alleged to be misbranded: (1) In that its labeling did not bear adequate directions for use since it was a laxative preparation and the directions for use were inadequate for a laxative preparation, and in that the directions failed to place a limitation on the period of time for taking the recommended daily dosage. (2) In that the following statements appearing in the labeling, "Nature's Tonic \* \* \* This Tonic has been found a valuable aid in cases of Indigestion, Dyspepsia \* \* \* Nervousness, General Debility, and in other derangements of the digestive organs," and also "These goods are labeled to conform to requirements of New Federal Food, Drug, and Cosmetic Law, which is effective June 25th, 1939," were false and misleading since it was not a tonic, it did not possess natural tonic properties bestowed by nature, it was not a valuable aid in the case of indigestion, dyspepsia, nervousness, general debility, and any other derangements of the digestive organs, and it was not labeled to conform to the requirements of the law. (3) In that strychnine was